

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Michael Vincitorio, N.H.A.

Petition No. 970114-036-001

CONSENT ORDER

WHEREAS, Michael Vincitorio, N.H.A. of Roxbury, Connecticut (hereinafter "respondent") has been issued license number 001270 to practice nursing home administration by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the Connecticut General Statutes, as amended; and,

WHEREAS, the Department alleges that:

1. Respondent failed to ensure the implementation and/or enforcement of facility policies assuring acceptable patient care. Such areas of deficiency encompassed the failure to implement and/or enforce policies or programs affecting resident care, including, *inter alia*, the following:
 - a. ensuring that allegations of patient abuse were thoroughly investigated and reported to the state for six residents who had injuries of unknown origin;
 - b. ensuring that comprehensive assessments were performed on four restrained patients for the need of the restraints; and/or,
 - c. ensuring that necessary care services, supervision, treatment, assistive devices and/or assessments were provided to residents to prevent resident related accidents.

2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §19a-517(b)(4), taken in conjunction with §19-13-D8t(f)(3) of the Regulations of Connecticut State Agencies (hereinafter "the Regulations").

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 19a-517 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 19a-517 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 001270 shall be placed on probation for a period of one (1) year under the following terms and conditions:
 - a. Respondent's practice shall be immediately supervised for three (3) continuous months by a nursing home administrator licensed in the State of Connecticut pre-approved by the Department (hereinafter "supervisor"). The supervisor shall conduct random monthly reviews of records that chronicle quality assurance, patient management and responsibilities and duties of the nursing home administrator. Particular attention shall be focused on resident's rights issues and adherence to reporting requirements.
 - (1) Respondent's supervisor shall meet with him not less than once every two weeks for three (3) months.

- (2) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - (3) Respondent shall be responsible for providing written supervisor reports directly to the Department monthly for the entire three (3) month period. Such supervisor's reports shall include documentation of dates and durations of meetings with respondent, number and a general description of the records reviewed, additional monitoring techniques utilized, and a statement that respondent is practicing with reasonable skill and safety.
 - (4) Respondent shall be responsible for any fees or costs payable to the supervisor.
- b. Within the probationary period, respondent shall attend and successfully complete thirty (30) hours of continuing education from the American College of Health Care Administrators, Connecticut Association of Health Care Facilities, Inc., or other such comparable organization or trade group. Such continuing education shall include, but not be limited to the following topics: residents rights, reportable events, quality assurance, patient management, operation of the long-term facility, and the responsibilities and duties of nursing home administrators. Such coursework shall be pre-approved by the Department and, within sixty days of completion of such coursework, respondent shall provide proof to the satisfaction of the Department that he has successfully completed such coursework. Such approval shall not be unreasonably withheld. Respondent shall be responsible for any tuition and other costs associated with such continuing education.
- c. Respondent shall notify the Department prior to any change in employment.

- d. Respondent shall notify the Department of any address change in his home or business address within fifteen (15) days of such change.

- 3. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

- 4. All reports required by the terms of this Consent Order shall be due on the tenth business day of each month.
- 5. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
- 6. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 6a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the

Department, he shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.

e. Evidence presented to the Department by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

7. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Department.
8. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
9. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Department.
10. Respondent agrees that this Consent Order shall be deemed a public document, and while admitting no wrongdoing, respondent assents that the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which his compliance with this Consent Order or with §19a-517 of the General Statutes of Connecticut, as amended, taken in conjunction with §19-13-D8t(f)(3) of the Regulations, is at issue.
11. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.

12. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
13. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
14. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted. If this Consent Order is not accepted by the Department it shall be considered null and void and shall not be utilized in any manner or be admissible in any proceeding against respondent.
15. Respondent has the right to consult with an attorney prior to signing this document.

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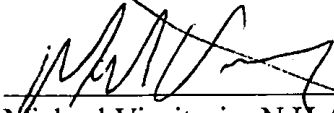
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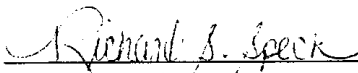
*

I, Michael Vincitorio, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Michael Vincitorio, N.H.A.

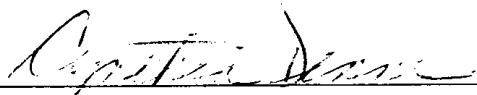
Subscribed and sworn to before me this Eighteenth day of December 1997.



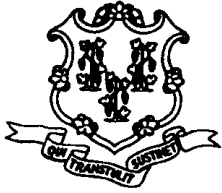
Notary Public or person authorized
by law to administer an oath or affirmation

12-31-99

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 18th day of December 1997, it is hereby accepted.



Cynthia Denne, Director
Division of Health Systems Regulation



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Handwritten notes:
New
12/31/98
Add

December 30, 1998

Michael Vincitorio, N.H.A.
30 Hickory Lane
Roxbury, Connecticut 06783

Re: Consent Order
Petition No. 970114-036-001
License No. 001270
[Redacted]

Completion of Probation

Dear Mr. Vincitorio:

Please be advised that the probationary terms of the above-referenced Consent Order have been satisfied, effective December 30, 1998.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions on License No. 001270 related to the above-referenced Consent Order.

Sincerely,

Richard Goldman

Richard Goldman
Paralegal Specialist II
Division of Health Systems Regulation

cc: Debra Tomassone
Bonnie Pinkerton



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